

A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

NOVEMBER 3, 2003 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
 - A. October 6, 2003
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee Report
 - B. Other Committees
4. PUBLIC HEARINGS
 - A. SUP-16-03 Williamsburg Winery - Gabriel Archer Tavern
 - B. Z-8-03 & MP-9-03 - Norge Neighborhood
 - C. SUP-20-03 & Z-9-03 - Jamestown Hundred
5. PLANNING DIRECTOR'S REPORT
6. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF OCTOBER, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III
John Hagee
Donald Hunt
Peggy Wildman
George Billups
Joseph McCleary
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
David Anderson, Planner
Sarah Weisiger, Planner
Toya Ricks, Administrative Services Coordinator
Elaine McBeth, City of Williamsburg Planning Commission

2. MINUTES OF SEPTEMBER 8, 2003

Mr. Kale made a motion to defer the minutes to make changes relative to a discussion that he participated in that is detailed on page 6.

Mr. McCleary seconded motion.

In a unanimous voice vote the Commission deferred the minutes of the September 8th meeting.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee, Chairman of the Development Review Committee, presented the report. The committee heard two cases on Wednesday night and another case this evening. All of the cases were approved. The first case was The Berkeley's Green recreation area. It was a modest expansion of an existing recreation area. The second was a 54 lot subdivision in Colonial Heritage. The case that was approved this evening was a septic system waiver at 7265 Osprey Drive.

Mr. McCleary made a motion to approve the report.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. McCleary, Chairman of the Comprehensive Plan Steering Committee, presented the report. The current issue of the Virginia Municipal League's (VML) magazine features a story on James City County's receipt of the VML President's Award for entrepreneurial government excellence. The President's award is the most prestigious that is given by the VML and is usually presented to County's for actions in economic areas and development. It is unusual for it to be granted in the area of planning. The award was given for overall excellence of effort in the 2003 Comprehensive Plan review. This award recognizes the work of everybody involved particularly the staff, Board of Supervisor's, the Planning Commission, the Community Participation Team, The Steering Committee, and the citizens who willingly gave their time. According to VML the process used by James City County offers a "road map to other localities."

Mr. O. Marvin Sowers, Jr. added that the County was featured as the cover story. The picture on the cover is of Chickahominy Riverfront Park. Mr. Sowers hopes to have copies of the magazine for all commission members eventually. He also stated that this could not have been achieved without the strong efforts of the Planning Commission, the Citizen Participation team and the citizens at large as well as the other groups that participated.

Mr. A. Joe Poole, III said that we are all excited and thrilled about this award. It represents a lot of hard work on the part of the staff, Steering Committee, Citizens Participation Team, Board of Supervisors, and citizenry so we all share in the success.

4. PUBLIC HEARINGS

A. CASE NO. SUP-16-03 Williamsburg Winery – Gabriel Archer Tavern

Mr. David Anderson stated that Mr. Vernon Geddy, on behalf of Patrick Duffeler, has requested the case be deferred until the November meeting of the Planning Commission to resolve outstanding issues.

Mr. McCleary asked about the number of times this case has been deferred. This case is simply to approve an existing use. He asked if there were problems or if it was related to the storm.

Mr. Sowers confirmed that there are a couple of issues to deal with before the case comes before the Commission and the Board. An agreement has been reached as to those areas which do need to be resolved to bring the current use into compliance with county codes. Also, Hurricane Isabel did cause some delay.

Mr. Leo Rogers concurred with Mr. Sower's statements.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no other requests to speak, Mr. Poole, III deferred the case until the November 3rd meeting of the Planning Commission.

B. SUP-19-03 & MP-07-03 – Olde Towne Timeshares

Mr. David Anderson stated that Mr. Richard Costello, on behalf of Heritage Resorts, Inc., has applied for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the Master Plan which require an SUP amendment. It should be noted that the previously approved special use permit is valid until July 10, 2004.

The property is comprised of 130 acres located on Olde Towne Road adjacent to Route 199. The property is zoned R-2, General Residential District and designated low density residential on the Comprehensive Plan land use map. Approximately 25% of the proposed units have been changed from four bedroom townhouse style units to two bedroom condominium style units. Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation. The Commission approved an identical proposal for two buildings at Williamsburg Plantation in February.

An indoor pool has been added to the clubhouse and the outdoor pool has been moved further away from adjacent residential uses which will better protect adjacent residences from noise and lighting. The major change to the layout is based on a central collector road with no units fronting on it that terminates at the clubhouse building which has been expanded to accommodate the indoor pool. Parking to the new clubhouse has also been expanded to accommodate the new facilities.

Additionally the applicant is requesting a waiver to reduce the parking requirement for the townhouse units from 2½ spaces per unit to 2 spaces per unit which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.

Staff finds the proposal consistent with surrounding zoning and land use. Staff also finds the proposal consistent with the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes to the previously approved SUP are generally positive in nature and recommended approval.

Mr. McCleary asked if construction on the project has begun and if the berm is already in existence along Route 199.

Mr. Anderson answered that construction has not begun and that only part of the berm is existing. It will be extended further towards Olde Towne Road.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Vernon Geddy, III represented the applicant. Mr. Geddy agreed with the staff report. This case is similar to the Williamsburg Plantation case previously approved by the Commission.

Mr. Kale asked if the left corner of the property where the curb begins on Olde Towne will be of concern with regards to highway expansion given the proximity of the new clubhouse. Mr. Kale noted that in the earlier project there was land set aside for the Virginia Department of Transportation (VDOT) to cut through if it was necessary.

Mr. Richard Costello stated that the same agreement still exists with VDOT. He stated the new clubhouse is in the same location where the tennis courts were in the previously approved case.

Mr. Kale asked if the responsibility for shielding the noise from the highway will fall on the applicant or VDOT.

Mr. Costello stated that it will be the applicant's responsibility. He also stated that between the berm and the buffer there will be adequate shielding from the noise.

Mr. Kale asked if the location of the larger units have been identified or if they will be scattered within the community.

Mr. Costello said they have been identified and will be scattered throughout the property.

Mr. Billups asked about item 14 on the Master Plan regarding irrigation and the irrigation pond. The Plan noted that the project will not use James City Service Authority (JCSA) water for irrigation, but also noted that a waiver may be granted if the applicant can show a need for a well.

Mr. Costello said that if the need arose then a well would be dug in the shallow water aquifer that is not utilized by the JCSA. This will only be a temporary measure until the pond rose to an adequate level.

Mr. Poole inquired about the traffic patterns relative to this project. He asked about the pre and post development levels of service.

Mr. Costello stated that the level of service has gone from Level D to Level C. This proposal should reduce overall traffic for this project in the 7-10% range.

Mr. Sowers stated that traffic counts on Olde Towne Road have shown that the traffic flow has decreased.

Mr. Poole said that the density of this project compared to what is allowed by right is still significant although there may have been some improvement.

Mr. John Hanrahan, 434 Alderwood Drive City of Williamsburg, expressed concern that this will be the tenth timeshare unit in the James City, York, Williamsburg area. He asked if any statistics were available about the success of these projects. He questioned the possibility of them being converted to apartments if the developers became insolvent and asked if the County had investigated these issues.

Mr. Sowers stated that the staff does not monitor the health of such developments but that past research indicates that failures are remote on a nationwide level.

Mr. Geddy stated that historically they are not usually converted to apartments but are purchased and continued in the same operation.

Mr. McCleary stated that timeshares provide significant tax revenue for the County. In a previous case, Williamsburg Plantation, the developers saw problems in its marketing and re-scoped ahead of time in order to better fit the market. Also, in the Hiden Property case the developer decided not to market the property as a timeshare but to re-scope it has an age appropriate community.

Mr. Hanrahan also agreed with Paul Tubach's suggestion for relocation of the proposed trail.

Hearing no other requests to speak, Mr. A. Joe Poole, III closed the public hearing.

Ms. Wildman moved to approve the application based on Mr. Anderson's statements regarding consistency with the surrounding area.

Mr. McCleary seconded the motion with staff conditions added.

Mr. Poole stated that he will not support the application. He is concerned about the density of property that is zoned R-2 and off-site vehicular impacts on a road that is different from Longhill Road. He is not happy with this level of service and does not feel this location lends itself to this density.

In a roll call vote the case was approved 4:3 AYE (4) Wildman, McCleary, Hagee, Hunt, NAY (3) Poole, Kale, Billups

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted some of the upcoming beautification improvements that were identified in the Comprehensive Plan. The third Underground Utility project is about to begin in the vicinity of the Williamsburg Crossing Shopping Center. Another item is the creation of corridor beautification efforts. Jamestown Road has been selected as the first corridor. County staff, Chamber of Commerce, businesses and others will work together to enhance this corridor.

Mr. Kale asked if the County has developed an expedited permit process for those citizens who have suffered damages due to Hurricane Isabel.

Mr. Sowers stated that the County has developed such as program as well as expedited wetlands permitting and assistance with damage assessment.

Mr. Billups spoke about the need to question how many timeshares, age appropriate communities and other targeted developments the County should allow. He also asked about possible amendments to conservation requirements relative to tree removal since a significant amount of tree damage was sustained with the recent hurricane.

Mr. Hunt said there needs to be an assessment of the security of power lines. He asked about allowing homeowners to harvest trees that might damage these right-of-ways.

Mr. Poole stated he will be presenting the Annual Report to the Board of Supervisors on October 14, 2003.

7. ADJOURNMENT

There being no further business, the October 6, 2003, meeting of the Planning Commission was adjourned approximately at 7:45p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of October 29, 2003

Case No. SP-116-03 Armistead Point at Kingsmill: Cul-De-Sac Length Exception Request

Mr. Bob Cosby, on behalf of Busch Properties, submitted a site plan proposing the construction of a 1,700 foot long cul-de-sac and fourteen single-family residential lots. The proposed road is located off of East Landing and is further identified as parcel (1-1) on James City County Tax Map (50-3) and parcel (1-1) on James City County Tax Map (50-4). DRC review is necessary because the application requests an exception to Sec. 19-52 of the Subdivision Ordinance, which states that cul-de-sac streets shall not exceed 1,000 feet in length.

DRC Actions: The DRC recommended approval of the exception.

Case No. S-078-03 Monticello Woods Phase 2

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Powhatan Crossing, Inc., submitted a subdivision plan proposing 75 new lots on 77.16 acres in Phase 2 of Monticello Woods. The parcel is located as 4100 Monticello Avenue and is further identified as parcels (1-8), (1-9), and (1-10) on James City County Tax Map (37-4). The Zoning Ordinance requires that major subdivisions of fifty or more lots be reviewed by the DRC.

DRC Action: The DRC recommended that preliminary approval be granted subject to compliance with agency comments.

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 10/1/2003 THROUGH: 10/29/2003

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-144-98	Williamsburg Pottery Warehouse/Retail Building
SP-116-99	New Town, Wmbg./JCC Courthouse SP Amendment
SP-087-01	The Vineyards Ph. 3 at Jockey's Neck
SP-089-01	Ewell Station Storm Water Management Fac. Mod.
SP-109-01	Monticello Avenue Extended - SP Amendment
SP-116-01	Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-009-02	Hairworks Beauty Salon Parking Space Addition
SP-112-02	Ford's Colony Recreation Park
SP-009-03	Energy Services Group Metal Fabrication Shop
SP-030-03	Old Capitol Lodge Site Plan Amendment
SP-033-03	The Colonies at Williamsburg Entrance Road
SP-045-03	Noah's Ark Vet Hospital SP Amendment
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-056-03	Shell Building - James River Commerce Center
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-077-03	JCC Courthouse Bioretention Demonstration Project
SP-079-03	Tequila Rose Walk-in Cooler
SP-082-03	Williamsburg Winery-Gabriel Archer Tavern
SP-086-03	Colonial Heritage Golf Course
SP-087-03	Busch Gardens Maintenance Storage Building
SP-095-03	KTR Stonemart
SP-097-03	Colonial Heritage Boulevard, Ph. 2
SP-105-03	Colonial Heritage Construction Office
SP-108-03	Fieldstone Parkway Extension
SP-112-03	Faith Baptist Recreation Building
SP-116-03	Kingsmill - Armistead Point
SP-118-03	New Town Block 2 Amendment
SP-122-03	St. Bede's Prayer Garden
SP-125-03	Whitehall Restaurant
SP-126-03	Busch Gardens - Italy Bridge Renovation
SP-127-03	New Town - Old Point National Bank
SP-128-03	Monster Storage
SP-129-03	Busch Gardens Oktoberfest Expansion
SP-130-03	Wythe-Will Distributing Company, LLC

B. PENDING FINAL APPROVAL

SP-027-02	120' Stealth Tower--3900 John Tyler Highway
SP-061-02	Powhatan Plantation Recreation Bldg Amd

EXPIRE DATE

6/13/2004
6/18/2004

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SP-104-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003
SP-144-02	J.W. Crossing, Ph. 2	2/20/2004
SP-005-03	Hankins Farm Water and Sewer Extension	5/27/2004
SP-015-03	Monticello Woods Community Center	4/10/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
SP-049-03	James River Commerce Center Columbia Drive	5/19/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
SP-053-03	George Nice & Sons Fill Project	8/ 8/2004
SP-066-03	Colonial Heritage Ph. 1, Sec.1, SP Amendment	6/20/2004
SP-075-03	James City County Fire Station No.2	7/14/2004
SP-089-03	Ford's Colony - Country Club Redevelopment Plans	8/ 4/2004
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-093-03	New Town - WindsorMeade Way	9/24/2004
SP-101-03	Alltel Williamsburg 2 (JCC Gov't Center)	8/14/2004
SP-107-03	Colonial Heritage Golf Maintenance Facility	9/24/2004
SP-110-03	Colonial Heritage Ph. 1, Sec. 2 Parking Amendment	9/29/2004
SP-113-03	Penske Maintenance and Service Center	9/26/2004
SP-114-03	Thayer-Smith Self Storage	10/ 2/2004

C. FINAL APPROVAL

		DATE
SP-021-03	Colonial Heritage, Cross Country Sewer Mains	10/10/2003
SP-051-03	Ford's Colony Country Club Golf Academy	10/21/2003
SP-088-03	Marketplace Shoppes Ph. 4	10/23/2003
SP-100-03	Kingsmill East Rivers Edge Ph. 4 SP Amend.	10/ 1/2003
SP-103-03	CoreSix Precision Glass	10/23/2003
SP-106-03	Williamsburg Christian Retreat Center-Pavillion	10/16/2003
SP-117-03	Riverside Ambulatory Healthcare Facility	10/14/2003
SP-119-03	Spotswood Commons Parking Rehab. Plan	10/ 7/2003
SP-120-03	Busch Gardens - Halloween Ferris Wheel	10/ 3/2003
SP-121-03	Berkeley's Green Recreation Area SP Amendment	10/ 7/2003
SP-123-03	Propane Tank at JCC Animal Control	10/15/2003
SP-124-03	Owens Brockway Glass Container SP Amend.	10/29/2003

D. EXPIRED

EXPIRE DATE

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-062-98	Ball Metal Conservation Easement
S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-032-01	Subdivision and BLE Plat of New Town Associates LLC
S-008-02	James F. & Celia Ann Cowles Subdivision
S-031-02	Bruce's Super Body Shop, Lot 2 subdivision
S-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-008-03	Norge-Fenton Mill BLA
S-033-03	Fenwick Hills, Sec. 2
S-056-03	Colonial Heritage Ph. 1, Sec. 4
S-058-03	Ford's Colony - Sec. 10, 171-172
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-065-03	903 Penniman and 700 Maupin BLA
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33, Lots 1-49
S-068-03	Williamsburg Farms
S-070-03	Colonial Williamsburg Parcels BLA
S-071-03	Fire Station 2 BLE
S-078-03	Monticello Woods - Ph. 2
S-083-03	Columbia Drive Subdivision
S-086-03	James River Commerce Center Stormwater Mgt.
S-088-03	Woodland Farms Lot 4, Sect. 5
S-091-03	Village Housing at the Vineyards Ph. 3, Lot 36- 37
S-092-03	Plat of Subdivision and BLA Ford's Colony
S-093-03	Lot 1 and 2, Neck-O-Land Acres
S-094-03	Brandon Woods Parkway ROW
S-095-03	Kingsmill River's Edge Ph. 4
S-096-03	James F. Cowles Subdivision Plat 1
S-097-03	Stonehouse Community Recreation Center II-D

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-101-01	Greensprings West, Ph. 4A	12/17/2003
S-037-02	Village Housing at the Vineyards, Ph. 3	5/ 5/2004
S-039-02	Powhatan Secondary, Ph. 6-C	5/ 8/2004
S-052-02	The Retreat--Fence Amendment	6/18/2004
S-073-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003
S-076-02	Marion Taylor Subdivision	10/ 3/2004
S-094-02	Powhatan Secondary Ph. 7-C	12/30/2003

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S-101-02	Sheldon Properties, L.L.C.	12/13/2003
S-103-02	Alex Harwood Subdivision BLA	12/15/2003
S-107-02	Greensprings West, Ph. 3-C	4/18/2004
S-108-02	Scott's Pond, Sec. 3	1/13/2004
S-112-02	Kensington Woods	2/ 6/2004
S-015-03	Season's Trace Winter Park Lots 51-74	4/15/2004
S-021-03	Stonehouse Sec. 2-C Easements	5/ 2/2004
S-041-03	Williamsburg Physicians Center - Parcel D	6/25/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2004
S-047-03	Greensprings West Ph. 4C	8/ 6/2004
S-049-03	Peleg's Point, Sec. 5	7/ 3/2004
S-053-03	Hollinger Family Subdivision	6/18/2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004
S-059-03	Colley Avenue Associates, LLC (Green Cove)	9/ 8/2004
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/ 6/2004
S-076-03	Wellington, Sec. 4	9/29/2004
S-077-03	James Terrace, Sec. 10, Lots 4-6	10/ 1/2004
S-079-03	Richardson's Mill - Sec. 1, Lots 32 and 33	10/22/2004
S-082-03	Monticello Woods - Lots 6-18, 31-38, 113 & 130	10/ 9/2004
S-084-03	Stonehouse at Williamsburg, LLC	10/23/2004
S-085-03	Liberty Property Limited Partnership	10/23/2004

C. FINAL APPROVAL

DATE

S-034-00	The Pointe at Jamestown, Ph. 2	10/ 9/2003
S-045-02	The Pointe at Jamestown Sec. 2-A	10/ 9/2003
S-034-03	Green Mount Associates Lots 3A, 3B & 3C (Haynes)	10/14/2003
S-039-03	Ford's Colony - Golf Academy BLA	10/21/2003
S-051-03	The Villages at Powhatan, Ph. 5	10/27/2003
S-080-03	Richardson's Mill - Sec. 2, Lot 14	10/ 3/2003
S-087-03	Villages at Powhatan Ph. 6 Conveyance	10/14/2003
S-089-03	Richardson's Mill - Sect. 1, Lot 13	10/ 3/2003
S-090-03	Richardson's Mill - Sec. 2, Lot 32	10/ 3/2003

D. EXPIRED

EXPIRE DATE

Wednesday, October 29, 2003

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**JAMES CITY COUNTY
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FROM: 9/1/2003

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SP-009-03	Energy Services Group Metal Fabrication Shop
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SP-088-03	Marketplace Shoppes Phase 4
SP-091-03	Colonial Heritage Ph. 1, Sec. 5
SP-095-03	KTR Stonemart
SP-097-03	Colonial Heritage Boulevard, Phase 2
SP-105-03	Colonial Heritage Construction Office
SP-108-03	Fieldstone Parkway Extension
SP-110-03	Colonial Heritage Ph. 1, Sec. 2 Parking Amendment
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SP-114-03	Thayer-Smith Self Storage
SP-116-03	Kingsmill - Armistead Point
SP-117-03	Riverside Ambulatory Healthcare Facility
SP-118-03	New Town Block 2 Amendment
SP-119-03	Spotswood Commons Parking Rehab. Plan
SP-120-03	Busch Gardens - Halloween Ferris Wheel
SP-121-03	Berkeley's Green Recreation Area SP Amendment
SP-122-03	St. Bede's Prayer Garden

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SP-123-03 Propane Tank at JCC Animal Control

B. PENDING FINAL APPROVAL

EXPIRE DATE

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SP-061-02	Powhatan Plantation Recreation Bldg Amd	6/18/2004
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SP-110-02	Ewell Station - Ph. 2	10/ 7/2003
SP-144-02	J.W. Crossing, Ph. 2	2/20/2004
SP-005-03	Hankins Farm Water and Sewer Extension	5/27/2004
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SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
SP-049-03	James River Commerce Center Columbia Drive	5/19/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
SP-053-03	George Nice & Sons Fill Project	8/ 8/2004
SP-066-03	Colonial Heritage Ph. 1, Sec.1, SP Amendment	6/20/2004
SP-075-03	James City County Fire Station No.2	7/14/2004
SP-089-03	Ford's Colony - Country Club Redevelopment Plans	8/ 4/2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-093-03	New Town - WindsorMeade Way	9/24/2004
SP-100-03	Kingsmill East Rivers Edge Phase 4 SP Amend.	8/25/2004
SP-101-03	Alltel Williamsburg 2	8/14/2004
SP-103-03	CoreSix Precision Glass	8/27/2004
SP-106-03	Williamsburg Christian Retreat Center-Pavilion	9/10/2004
SP-107-03	Colonial Heritage Golf Maintenance Facility	9/24/2004
SP-113-03	Penske Maintenance and Service Center	9/26/2004

C. FINAL APPROVAL

DATE

SP-102-02	Powhatan Creek Access Park, Ph. 2 Improvements	9/ 2/2003
SP-020-03	Jolly Pond Veterinary Hospital	9/ 9/2003
SP-065-03	Historic Jamestown Collection Building	9/ 8/2003
SP-076-03	JCSA Five Forks WTF Concentrate Main	9/ 5/2003
SP-104-03	Colonial Heritage 10th Hole Amendment	9/12/2003
SP-111-03	Busch Gardens - Drachen Fire Group Area SP Amend.	9/16/2003
SP-115-03	Shouse-Manning Construction Shed Amendment	9/12/2003

D. EXPIRED

EXPIRE DATE

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

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S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-032-01	Subdivision and BLE Plat of New Town AssociatesLLC
S-008-02	James F. & Celia Ann Cowles Subdivision
S-031-02	Bruce's Super Body Shop, Lot 2 subdivision
S-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-008-03	Norge-Fenton Mill BLA
S-033-03	Fenwick Hills, Sec. 2
S-034-03	Green Mount Associates Lots 3A, 3B & 3C BLA
S-056-03	Colonial Heritage Ph. 1, Sec. 4
S-058-03	Ford's Colony - Sec. 10, 171-172
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-065-03	903 Penniman and 700 Maupin BLA
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33, Lots 1-49
S-068-03	Williamsburg Farms
S-070-03	Colonial Williamsburg Parcels BLA
S-071-03	Fire Station 2 BLE
S-073-03	Colonial Heritage Ph. 2, Sec. 2
S-076-03	Wellington, Sec. 4
S-077-03	James Terrace, Sec. 10, Lots 4-6
S-078-03	Monticello Woods - Ph. 2
S-079-03	Richardson's Mill - Sec. 1, Lots 32 and 33
S-080-03	Richardson's Mill - Sec. 2, Lot 14
S-082-03	Monticello Woods - Lots 6-18, 31-38, 113 & 130
S-083-03	Columbia Drive Subdivision
S-084-03	Stonehouse Commerce Park BLA
S-085-03	Wythe-Will Distributing
S-86-03	James River Commerce Center - Stormwater Mgt.

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-101-01	Greensprings West, Ph. 4A	12/17/2003
S-037-02	Village Housing at the Vineyards, Ph. 3	5/ 5/2004
S-039-02	Powhatan Secondary, Ph. 6-C	5/ 8/2004
S-045-02	The Pointe at Jamestown Sec. 2-A	5/30/2004
S-052-02	The Retreat--Fence Amendment	6/18/2004
S-073-02	Colonial Heritage, Ph. 1, Sec. 3 & 3A	12/ 2/2003

S-076-02	Marion Taylor Subdivision	10/ 3/2003
S-094-02	Powhatan Secondary Ph. 7-C	12/30/2003
S-101-02	Sheldon Properties, L.L.C.	12/13/2003
S-103-02	Alex Harwood Subdivision BLA	12/15/2003
S-107-02	Greensprings West, Ph. 3-C	4/18/2004
S-108-02	Scott's Pond, Sec. 3	1/13/2004
S-112-02	Kensington Woods	2/ 6/2004
S-015-03	Season's Trace Winter Park Lots 51-74	4/15/2004
S-021-03	Stonehouse Sec. 2-C Easements	5/ 2/2004
S-039-03	Ford's Colony - Golf Academy BLA	6/18/2004
S-041-03	Williamsburg Physicians Center - Parcel D	6/25/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2004
S-047-03	Greensprings West Ph. 4C	8/ 6/2004
S-049-03	Peleg's Point, Sec. 5	7/ 3/2004
S-051-03	The Villages at Powhatan, Ph. 5	7/ 7/2004
S-053-03	Hollinger Family Subdivision	6/18/2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004
S-059-03	Colley Avenue Associates, LLC (Green Cove)	9/ 8/2004

C. FINAL APPROVAL

DATE

S-058-00	Powhatan Secondary, Ph. 7-A	9/29/2003
S-029-03	Wexford Hills Ph. 3B	9/26/2003
S-052-03	Hickory Neck Church BLA	9/10/2003
S-054-03	James River Commerce Center, Parcel 10B	9/12/2003
S-081-03	Stonehouse - Parcel A Easement	9/26/2003

D. EXPIRED

EXPIRE DATE

SPECIAL USE PERMIT-16-03. Williamsburg Winery – Gabriel Archer Tavern

Staff Report for November 3, 2003, Planning Commission Public Hearing

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS:

Building C Board Room; County Government Center

Planning Commission:

August 4, 2003, 7:00 p.m. (Deferred)
September 8, 2003, 7:00 p.m. (Deferred)
October 6, 2003, 7:00 p.m. (Deferred)
November 3, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant:

Vernon Geddy, III

Land Owner:

Patrick Duffeler

Proposed Use:

Continued operation of existing restaurant

Location:

Off of Lake Powell Road next to the Williamsburg Winery

Tax Map/Parcel No.:

(48-4)(1-10)

Primary Service Area:

Inside

Parcel Size:

283.3 acres

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

North and West: R-1, Limited Residential
South and East: R-8, Rural Residential

Staff Contact:

Sarah Weisiger, Planner Phone: 253-6685

Staff Recommendation:

The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff recommends deferral until the next Planning Commission meeting on December 8, 2003.

Sarah Weisiger

Master Plan MP-09-03 / Rezoning Z-08-03. Norge Neighborhood Site

Staff Report for November 3, 2003, Planning Commission Public Hearing

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS:

Planning Commission:

Board of Supervisors:

Building C Board Room; County Government Complex

November 3, 2003, 7:00 p.m.

December 9, 2003 (tentative)

SUMMARY FACTS

Applicant:

Pete Henderson of Henderson, Inc.

Land Owners:

Evelyn H. Anderson (co-executor)

George C., Jr. and Sharyn L. Ford

Legal Address, Tax Map,
Area and Existing Zoning:

7145 Richmond Rd., 15.1 acres; (23-2)(1-50); A-1

7147 Richmond Rd., 1.0 acre; (23-2)(1-49); A-1

75 Nina Lane, 3.2 acres; (23-2)(1-50C); A-1

126 Rondane Place, portion of 5.8 acres; (23-2)(1-51); R-2, A-1

Proposal:

To rezone approximately 22.1 acres to allow for the construction of 80 condominiums and two single family houses having a gross density of 4.0 dwelling units and with office/commercial along Richmond Road on 2 acres.

Primary Service Area:

Inside

Proposed Zoning:

MU, Mixed Use with proffers

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

North and West: Kristiansand subdivision, R-2;

North and East: Kristiansand Office, LB; Norge Ctr, B-1

South: Colonial Heritage development, MU

Southeast: Williamsburg Dodge dealership, B-1

Staff Contact:

Sarah Weisiger, Planner

Phone: 253-6685

Staff Recommendation:

The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff recommends deferral until the next Planning Commission meeting on December 8, 2003.

Sarah Weisiger

Attachment:

Applicant deferral request

**Peter V. Henderson
P.O. Box BM
Williamsburg, Va. 23187**



October 27, 2003

James City County
Planning Division
Sarah Weisiger
101 Mounts Bay Rd
Williamsburg, Va.

Re: Rezoning of case # 2-08-03; Norge neighborhood property

Sarah,

We respectfully request that case # 2-28-03 be deferred from the November 2003 Planning Commission meeting, to the December 2003 Planning Commission meeting.

There are several outstanding issues on this matter that we hope to have resolved by then.

Your cooperation in this matter is greatly appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to be "P. Henderson", written over a horizontal line.

Peter V. Henderson

**REZONING 9-03/SPECIAL USE PERMIT 20-03. Community Chapel/Jamestown Hundred
Staff Report for November 3, 2003, Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: November 3, 2003 - 7:00 p.m. Building C Board Room
Board of Supervisors: December 9, 2003 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Craig G. Covey, Hening-Vest-Covey-Chenault

Land Owner: Williamsburg Community Chapel

Proposed Use: Infill development of four single-family residential lots in the Jamestown Hundred Subdivision

Location: 3899 John Tyler Highway; Berkeley District

Tax Map/Parcel No.: (46-1)(1-2A)

Primary Service Area: Inside

Parcel Size: 1.21 acres out of 15.12 total acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential, Cluster with Proffers

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North (across John Tyler Highway): R-8, Rural Residential
South and West: R-2, General Residential
East: R-1, Limited Residential

Staff Contact: David Anderson Phone: 253-6685

STAFF RECOMMENDATION:

The proposed zoning designation, density, and use are all consistent with the Comprehensive Plan and with the adjacent Jamestown Hundred Subdivision. The attached conditions and proffers adequately address any impacts associated with the proposal. Staff recommends the Planning Commission approve the proposal with the attached proffers and conditions.

Description of Project

Mr. Craig G. Covey has applied on behalf of Williamsburg Community Chapel to rezone 1.21 acres out of the 15.12 acre Williamsburg Community Chapel parcel from R-8, Rural Residential, to R-2, General Residential Cluster, with proffers. The purpose of this rezoning is for the infill development of four single-family residential lots in the adjacent Jamestown Hundred Subdivision. The property to be rezoned is located to the rear of the Williamsburg Community Chapel site at 3899 John Tyler Highway. The property is further identified as parcel no (1-2A) on James City County Real Estate Tax Map No. (46-1). The proposal also requires a special use permit because the gross density of the proposal exceeds one unit per acre, and in the R-2 zoning district, residential cluster developments with a maximum gross density of more than one unit per acre require a special use permit.

History

This rezoning application has been submitted in cooperation between Williamsburg Community Chapel and Jamestown Hundred Subdivision. Williamsburg Community Chapel anticipates needing to expand its church facility to meet the needs of a growing congregation. In researching their ability to expand, they realized traffic generation on John Tyler Highway was going to be problematic. The increased traffic projected to be caused by an expansion will likely result in the need for turn lane improvements on John Tyler Highway. Additional turn lanes just beyond the intersection of Eagle Way and John Tyler Highway are undesirable from a traffic safety and traffic congestion standpoint. To avoid this negative impact of a church expansion, Williamsburg Community Chapel saw an opportunity to construct an access road to Eagle Way. This would allow the additional traffic generated by the expansion to utilize the existing signalized intersection at Eagle Way and John Tyler Highway, which is much more desirable from both a safety and congestion standpoint.

Accessing Eagle Way requires the Chapel to purchase a portion of land from Jamestown Hundred that is currently designated as open space. Without gaining additional land area from the Chapel, Jamestown Hundred would not be able to sell the land for the access road because they would fall under the amount of open space required for the subdivision. Therefore, an agreement was struck between the two parties. Williamsburg Community Chapel agreed to request a rezoning of a portion of the Chapel property for the infill development of four lots in Jamestown Hundred, and in return Jamestown Hundred will sell a portion of the current open space property to provide the access to Eagle Way. It should be noted that this report focuses only on the rezoning aspect of this agreement. The expansion of the church, and the associated access road, will require a special use permit. The Planning Commission will have the opportunity to review this aspect of the agreement when the special use permit is brought forward to public hearing.

Surrounding Zoning and Development

The proposal seeks the same zoning designation as Jamestown Hundred and the lots will be incorporated into the Jamestown Hundred Subdivision. Therefore, the proposal is consistent with surrounding zoning and development. It should be noted that the four proposed lots are adjacent to lots that have not yet been sold or platted. Therefore, no property owner who has purchased a lot in the subdivision has purchased with the expectation of not having a home located next to them.

Density

The density of Jamestown Hundred is 1.40 units/acre. The infill development will raise the density to 1.45 units/acre. Jamestown Hundred was approved in 1996 as a cluster development. At that time, the cluster ordinance permitted a density of 2.5 units per acre by right. Since that time the ordinance has been revised. The current ordinance permits densities of up to one unit per acre by right, and up to 2 units per acre with a

special use permit. In order to achieve a density of up to 2 units per acre, the developer must include the following:

- Implementation of Streetscape Guidelines as defined in the Streetscape Guidelines Policy.
 - *Since none of the existing subdivision streets have streetscape trees, staff has added a condition requiring transfer of the required right-of-way trees to the Recreation Lot.*
- Implementation of the County's Archaeological Policy.
 - *An archaeology study was previously submitted for the entire Jamestown Hundred Subdivision, so this requirement has been satisfied.*
- Provision of sidewalks on at least one side of all internal streets in the development, including the entrance road. This requirement may be waived by the Planning Commission if the development is infill development of less than 20 units where sidewalks do not exist or are planned on adjacent property.
 - *The project already is providing sidewalks along at least one side of all roads.*
- Provision of recreation facilities as recommended in the County's Comprehensive Parks and Recreation Master Recreation Plan. Upon application for an exception, the Board of Supervisors may approve alternate facilities or allow cash contributions in lieu of constructing a percentage of the facilities, provided that alternate facilities or cash contributions are consistent with the recommendations and contributions per unit presented in the master plan.
 - *A cash contribution for use by the County for recreational capital improvements has been proffered.*
- Implementation of the County's Natural Resource Policy.
 - *There are no significant natural resources on this small site.*

Staff finds that the proposal generally meets the above standards to achieve a density greater than one dwelling unit per acre.

Comprehensive Plan

The property to be rezoned is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map. This designation allows for cluster developments of densities greater than one unit per acre provided certain public benefits are provided. The Comprehensive Plan states that the Zoning Ordinance will specify the benefits to go beyond one unit per acre. As stated above, Staff believes the proposal general meets the ordinance requirements. Since this property will be incorporated into the Jamestown Hundred Subdivision, the proposal is consistent with the Comprehensive Plan. Furthermore, the 2003 Comprehensive Plan encourages infill development of this type.

Open Space

Open space calculations are included on the revised master plan. The amount of open space required for Jamestown Hundred with the additional infill development is 42.77 acres, which equals 56.77% of the site. The amount of open space provided is 42.89 acres, which equals 56.92% of the site. Therefore, the open space requirement is met.

Buffers

The Jamestown Hundred development currently has a 35' buffer adjacent to adjoining property, as required under the ordinance when the development was approved in 1996. In order to be consistent with the remainder of the development, the applicant has proposed that the buffer behind the infill lots be 35' as well. However, the ordinance has changed since 1996. The ordinance now requires a 35' perimeter buffer and a yard requirement where no structure can be located closer than 35' to the internal edge of the perimeter buffer. There is no reduction provision for the yard requirement, but the perimeter buffer requirement can be reduced by the Planning Commission. The applicant requests a reduction in the required perimeter buffer from 35' to 20'. However, in actuality, a 35' wooded buffer will still be provided. The reduction in the perimeter buffer will simply push the yard requirement further towards the front of the lot. This will reduce the area where accessory structures can be located on the infill lots from 5' from the rear property line to 20' from the rear property line. Staff believes the reduction to be acceptable because at least a 35' buffer, consistent with the existing buffer, would still be provided. Furthermore, staff concurs with the request since the property owners on both sides of the buffer are cooperating in this application.

Miscellaneous

Due to the small nature of this infill development, impacts to traffic, public schools, water, sewer, and emergency services are minimal. Therefore, impact studies were not required along with this proposal. However, the applicant has proffered a cash contribution for water impacts, for the Route 5 Transportation District, and for recreation as previously noted. As a point of clarification, the proffered cash contributions are calculated for three additional lots as opposed to the four additional lots that are being proposed. The reason for this is that Jamestown Hundred was originally approved for 106 lots. However, only 105 lots were platted. With the platting of four new lots, the development will exceed the previous lot cap by three additional lots. The cash contributions reflect the number of lots exceeding the approved cap rather than the number of lots associated with this proposal.

STAFF RECOMMENDATION:

The proposed zoning designation, density, and use are all consistent with the Comprehensive Plan and with the adjacent Jamestown Hundred Subdivision. The attached conditions and proffers adequately address any impacts associated with the proposal. Staff recommends the Planning Commission approve the proposal with the proffers attached hereto and the following conditions.

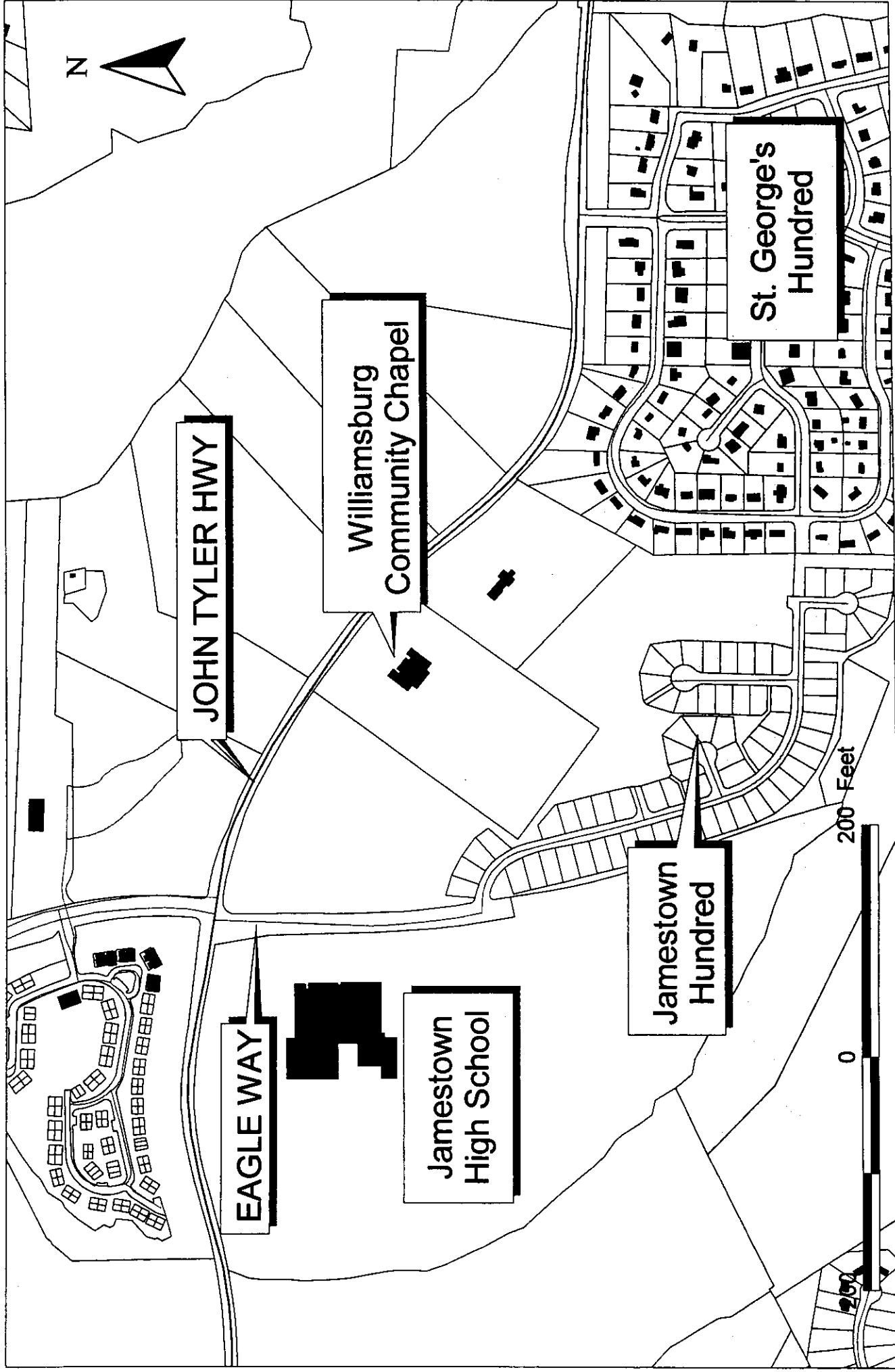
1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. In lieu of implementing the Streetscape Guidelines as defined in the Streetscape Guidelines Policy, the developer shall transfer the required right-of-way trees to the recreation lot. A landscaping plan identifying the type and location of the plantings shall be submitted and approved by the Planning Director prior to the County being obligated to grant final subdivision approval.
3. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Dave Anderson

Attachments:

1. Location Map
2. Proffer Agreement
3. Proposed Master Plan “under separate cover”

Community Chapel/Jamestown Hundred



PROFFER AGREEMENT

THESE PROFFERS are made this 28th day of October by Williamsburg Community Chapel ("the Owner"), together with its successors and assigns, which owns certain real property shown on the James City County Tax Map 46-1, Parcel 1-2A.

RECITALS

- A. The Owner is the owner of a parcel of land located in James City County, Virginia, with an address of 3899 John Tyler Highway, Williamsburg, Virginia, containing 15.12+/- acres and being Tax Parcel 1-2A ("the Property"). The Property is now zoned R-8.
- B. The Owner has applied to rezone 1.21 acres of the Property ("Rezoned Property") from R-8 to R-2, General Residential District with proffers.
- C. The Owner has submitted to the County a master plan entitled "Master Plan with 2003 Extension" prepared by AES Consulting Engineers dated 14 October 2003 (the "Master Plan") for the Jamestown Hundred Subdivision incorporating the 1.21 acres in accordance with the County Zoning Ordinance.
- D. The Owner desires to offer to the County certain conditions on the development of the 1.21 acres not generally applicable to land rezoned to R-2.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owner agrees that it shall meet and comply with all of the following conditions in developing the 1.21 acres. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

PROPOSED PROFFERS

Section I. Proffers by Williamsburg Community Chapel

1. **Land Use and Conveyance.** Upon approval of the rezoning application by the County, the 1.21 acres will be conveyed by the Owner to Hampton Roads Development, L.L.C. by deed of exchange and a subdivision plat that will subdivide and extinguish lot lines between the properties as generally shown in the "1996 Master Plan with 2003 Extension, Jamestown Hundred" as prepared by AES Consulting Engineers on 10/14/2003 and in the "Exhibit Showing Area to be rezoned and Preliminary Detailed Layout, Jamestown Hundred" as prepared by AES Consulting Engineers on 10/14/2003.

Section II. Proffers by Hampton Roads Development, L.L.C.

1. **Relocated Open Space Conservation Easement.** The amount of existing open space conservation easement, as provided in the Jamestown Hundred Subdivision final recorded plat which open space is between the Chapel and Jamestown Hundred Subdivision, will be retained and relocated adjacent to the Williamsburg Community Chapel's revised east, south and west property lines.
2. **Number of Infill Dwelling Units.** Jamestown Hundred Subdivision was approved for 106 lots as proffered in the 22 March 1995 Proffer Agreement for Jamestown Hundred Subdivision (Z-02-95/PR-0-53) and only 105 were platted. This proffer hereby amends the total number of lots from 106 to a revised total of 109 lots. The infill of the four (4) new lots and the lot line revisions will be in accordance with the Rezoning and Infill Master Plan dated 22 September 2003, prepared by HVC-CHENAULT, and as further illustrated in the 1996 Master Plan with 2003 Extension for Jamestown Hundred prepared by AES Consulting Engineers, dated 14 October 2003.

3. Cash Contribution for Water System Improvements. A contribution of \$750.00 for each of the three (3) additional dwelling units developed from the addition of the 1.21 acres to the Subdivision shall be paid by Owner to the James City Service Authority prior to final subdivision plat approval in order to mitigate impacts on the County from the physical development and operation of the Subdivision. The James City County Service Authority may use these funds for development of alternative water sources or any project related to improvements to the James City Service Authority water system, the need for which is generated, in whole or in part, by the physical development and operation of the Subdivision. The per unit contribution(s) paid in the year pursuant to this Section shall be adjusted annually beginning January 1, 2004 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI) prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraph (a) this Section. The adjustment shall be made by multiplying the unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 of the preceding year, in the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.
4. Cash Contributions for Route 5 Transportation District. The Owner shall contribute to the County the sum of one percent (1%) of the estimated sales price for each dwelling unit developed on the three (3) new lots and the County shall make these monies available to the Route 5 Transportation Improvement District for construction of alternate

Route 5 or for any other project included in the County's Capital Improvement Plan, the need for which in whole or in part is generated by the development of the Undeveloped Property. Said contributions shall be payable only when, as and if the Owner conveys a lot within said area on which lot is located, a dwelling unit for which an initial certificate of occupancy has been issued by the County. Notice that such sum is due shall be recorded on all plats of subdivision approved after the date hereof.

5. Cash Contribution for Recreation Capital Improvements. In lieu of providing active recreational facilities on the property, the Owner shall make a contribution to the County of \$624.30 for use by the County for recreation capital improvements. The contribution shall be payable at the time of subdivision final plat approval.
6. Provisions of Existing Proffer Agreement. All of the remaining provisions of the existing proffer agreement dated 22 March 1995 for Jamestown Hundred Subdivision not amended herein shall remain in full force and effect.

MISCELLANEOUS PROVISIONS

1. Headings. All section and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.
2. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Rezoned Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

3. Conflicts. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts as otherwise provided by law.
4. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.
5. Void if Rezoning not Approved. In the event that the rezoning sought by the Applicant is not approved by the County, these Proffers shall be null and void.

WITNESS the following signatures:

WILLIAMSBURG COMMUNITY CHAPEL

By: 

Robert J. Campbell, Administrator

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 28th day of October, 2003, by Robert J. Campbell, as Administrator of Williamsburg Community Chapel, on behalf of the Chapel.


NOTARY PUBLIC

My commission expires: July 31, 2004.

HAMPTON ROADS DEVELOPMENT, L.L.C.

By: Virginia Enterprises, Inc., Manager

By: 

George E. Fiscella, President

STATE OF VIRGINIA

CITY OF NEWPORT NEWS, to-wit:

The foregoing instrument was acknowledged before me this 28th day of October, 2003, by George E. Fiscella, President of Virginia Enterprises, Inc., a Virginia corporation, as Manager of Hampton Roads Development, L.L.C., a Virginia limited liability company, on behalf of the Company.


NOTARY PUBLIC

My commission expires: March 31, 2007.

#876267 v2

PLANNING DIRECTOR'S REPORT
November 2003

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. **VCPA Citizen Planner of the Year Award.** Dr. Lisa Curry was awarded the Citizen Planner of the Year Award by the Virginia Citizen Planners' Association (VCPA). Over the last eighteen months Dr. Curry has served on the Development Potential Analysis Committee, the 2003 Comprehensive Plan Community Participation Team, and the 2003 Comprehensive Plan Steering Committee. The VCPA award recognizes that service and the commitment it entailed. Congratulations to her.
2. **Comprehensive Plan Update.** The final version of the 2003 Comprehensive Plan is available online at www.iccEgov.com. Paper copies have been ordered and should be available for purchase starting in late November. Staff is also offering a CD-ROM version of the plan as a high-tech, low-cost alternative to the paper text.
3. **Site Plan Review Process Study.** The Department of Development Management has initiated a study of the site plan review process. The focus of the study is on the processes involving County agencies and the applicants. Results of the study will be reported to the Planning Commission.
4. **Planning Commission Annual Report.** The Planning Commission's Annual Report for Fiscal Year 2003 was presented to the Board of Supervisors by Chairman Joe Poole on October 14, 2003.
5. **2005-2010 VDOT Six Year Improvement Program.** The Board of Supervisors adopted its funding priorities for major transportation facilities on October 14, 2003. These priorities will be provided to VDOT's Commonwealth Transportation Board for consideration when it prepares the 2005-2010 Six Year Improvement Program. A copy of the Board's priorities is included in the Commission's reading file.
6. **Yarmouth Creek Watershed Management Plan.** The Board of Supervisor adopted this watershed management plan on October 14, 2003.
7. **Road Extension.** County staff attended a field visit along with City officials, project engineers and Chambrel representatives to view the proposed alignment of the Treyburn Drive extension. A second field visit will be held with additional Chambrel representatives later this fall.
8. **Historic Triangle Corridor Committee.** Staff attended the Committee's October meeting where additional improvements to enhance the appearance of the area's road corridors were discussed. Discussions of anticipated initial actions focused on repairing damage from Hurricane Isabel before undertaking longer-term initiatives.
9. **Upcoming Cases.** New cases that are tentatively scheduled for the December 8th, Planning Commission meeting include:

CASE NO. Z-7-03 Governor's Grove. Mr. Eric Nielson has applied on behalf of National Housing Corporation to rezone approximately 23.44 acres from R-8, Rural Residential, to MU, Mixed Use, with proffers. The request seeks to develop 275 multi-family/attached units. The property is divided by John Tyler Highway and generally located at **4310 & 4360 John Tyler Highway and 3181 & 3191 Ironbound Road**. The property is further designated as Parcel (1-14) and (1-37) on James City County Tax Map (46-2) and Parcel (1-35) and (1-36) on James City County Tax Map (47-1). The Comprehensive Plan designates this site as Moderate Density Residential. Recommended uses on property designated for Moderate Density Residential include townhouses, apartments, and attached cluster housing, with a minimum density of 4 dwelling units per acre, up to a maximum of 12 units per acre, depending on the character and density of surrounding development. The development proposes an overall density of 11.7 units per acre.

CASE NO. SUP-19-03 Christian Life Center. Mr. Marc Bennett of AES Consulting Engineers has applied on behalf of the Christian Life Center, **4451 Longhill Road**, for a special use permit to expand the existing facility, construct a new youth/fellowship building, and add parking and a

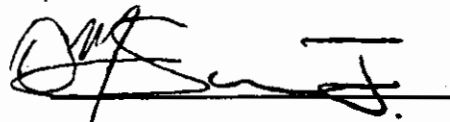
one-way access. The parcel is approximately 18.9 acres in size and is zoned R-8, Rural Residential with Low Density Residential and Conservation Area designations on the 2003 Comprehensive Plan Land Use Map. The parcel is located in the Powhatan District, and can be further identified as parcel (1-3) on JCC Tax Map (32-3).

CASE NO. SUP-21-03 Milanville Kennel. David and Elizabeth Illman have applied for a special use permit to construct and operate a kennel at 2878 Monticello Ave. The property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan Land Use Map. The property can be further identified as Parcel No. (1-6) on JCC Real Estate Tax Map No. (44-2).

CASE NO. Z-10-03 / MP-10-03 Hiden Property Proffer and Master Plan Amendment. Mr. Marc Bennett of AES Consulting Engineers has applied on behalf of Powhatan Crossing, Inc. to amend the existing proffers and master plan to redefine the road alignment and acknowledge all streets in Area 2 as private streets.

CASE NO. SUP-22-03 Busch Gardens Oktoberfest Expansion. Mr. Ronnie Osborn of Landmark Design Group has applied on behalf of Busch Entertainment Corporation for a special use permit to construct a 40,000 square foot building. The parcel located at 7851 Pocahontas Trail, is approximately 2 acres in size and is zoned M-1, Limited Business/Industrial District with a Limited Industry designation on the 2003 Comprehensive Plan Land Use Map. The parcel is located in the Roberts District, and can be further identified as parcel (1-9) on JCC Tax Map (51-4).

CASE NO. Z-11-03 & MP-11-03. Stonehouse Planned Community Amendment Mr. Alvin P. Anderson has applied on behalf of Stonehouse at Williamsburg, LLC, to amend the master plan and proffers and rezone approximately 209 acres out of 2,182 acres currently zoned PUD-C, Planned Unit Development Commercial with Proffers to PUD-R, Planned Unit Development Residential with Proffers. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community. The Comprehensive Plan Land Use Map designates this property for Mixed Use and Low Density Residential development. This property is located at 9186 Mount Zion Road and 9235 Fieldstone Parkway in Toano, VA and is more specifically identified as a portion of Parcel (1-1) on the JCC Real Estate Tax Map No. (6-4) and all of Parcel (1-29) on the JCC Real Estate Tax Map (4-4).



O. Marvin Sowers, Jr.